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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,901

10/30/2003

Steven G. Glazik

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7590

08/16/2005

EXAMINER

PETRAVICK, MEREDITH C

Daniel M. Riess
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ART UNIT

PAPER NUMBER

3671

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,901

Applicant(s)

GLAZIK ET AL.

Examiner

Meredith C. Petravick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-23 is/are allowed.
- 6) ☐ Claim(s) 1-10, 24, 25 and 27-31 is/are rejected.
- 7) ☐ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 24-25 and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 22,2345 to Hadcock et al.

Hadcock et al. Discloses a finger capable of receiving a harvester reel pickup tine finger. The finger is an elongate hollow finger (c) having an elongated cavity (a) opening to at least one end. The cavity is curved in the direction of its elongation and the cavity extends over at least a portion of the length of the hollow finger (Fig. 2). A fastener (screw in slot B) connects the hollow finger to a pickup tine finger.

Regarding claim 2, the hollow finger is curved (Fig. 2).

Regarding claim 3, the hollow finger is smaller in cross section opposite the open end (Fig. 2).

Regarding claim 4, Applicant is only claiming the subcombination of the hollow finger in this claim, therefore the hollow finger is capable of being a substantial replicate of the pickup tine finger since the pickup tine finger is not defined in this claim.

Regarding claim 5, the cavity is capable of receiving a remaining portion of a broken pickup tine finger.

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Regarding claim 6, the fastener (screw in slot B) fastens one end of the hollow finger to the pickup tine.

Regarding claim 7, the screw in slot B frictionally engages the pickup tine.

Regarding claims 24-25 and 28-31, the method would be inherent as the normal and logical manner in which the finger of the Hadcock patent would be used.

3. Claims 24-25 and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 3,261,153 to Johnston.

Johnston discloses a method including positioning an elongate hollow finger (40) having a cavity over a portion of a pickup tine finger and fastening the hollow finger to the pickup tine finger (Col. 3, lines 63-70).

Regarding claims 28-30, repair is accomplished without removing the pickup tine from the harvester, the hollow finger is fastened by friction and the hollow finger covers substantially all of the pickup finger.

Regarding claim 31, the hollow finger is capable of being a substantial replicate of the pickup tine finger since the pickup tine finger is not defined in this claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 8-10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 22,2345 to Hadcock et al. in view of U.S. Patent No. 4,706,448 to Gessel et al.

The Hadcock et al. patent discloses the claimed invention, as stated in the paragraph above, except for the elongate hollow finger being mounted to the first finger through a split ring arrangement. The Gessel '448 patent teaches that it is known in the art to mount fingers (22) to a working implement using split rings. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Hadcock et al. patent with the split ring mounting arrangement as taught by the Gessel '448 patent, in order to provide an alternative means of quickly mounting a finger.

Allowable Subject Matter

6. Claims 11-23 are allowed.

7. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Please note that the examiner applied the definition of elongated that the examiner

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C. Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Meredith C Petravick
Primary Examiner
Art Unit 3671

August 10, 2005